

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

SAP AG and SAP AMERICA, INC.,

Plaintiff,

v.

DATATERN, INC.,

Defendant.

Case No. 1:11-cv-02648 KBF

(ECF CASE)

**NOTICE OF SAP AG'S AND SAP AMERICA, INC.'S MOTION FOR PARTIAL
SUMMARY JUDGMENT**

PLEASE TAKE NOTICE that, upon the accompanying Memorandum of Law by Plaintiffs SAP AG and SAP America, Inc. ("SAP") in support of the Motion for Partial Summary Judgment, SAP will move this Court before the Honorable Katherine B. Forrest, at the United States Courthouse, located at 500 Pearl Street, New York, New York, 10008, on a date to be determined by the Court, for an order granting summary judgment on their declaratory judgment claim for non-infringement of U.S. Patent No. 5,937,402 (the "'402 patent") and denying DataTern, Inc.'s ("DataTern's") corresponding infringement counterclaim for damages on that same patent pursuant to Federal Rules of Civil Procedure 56 and 16, or for such other relief as this Court may deem just and proper.

Dated: April 26, 2012

Respectfully submitted,

/s/ Edward R. Reines

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